

defined, but nonetheless, could you please give me an example of the kind of crime which is now interpreted as being a petty offense?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Koss, in the case in the Court of Appeals—I hate to use this example since a very gracious lady asked me a question—being a dissolute woman was held to be a petty offense. But let me, if I may, Mr. Chairman, yield the floor to Delegate Carson. The field of criminal law is more of his calling than it is mine. I think he might be able to supply more answers.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Well, the federal Congress has in the area of petty offenses included, for example, oleomargarine violations having small penalties, small traffic infractions on the federal enclaves including the Baltimore-Washington Expressway in this State, and numerous other ones. The Maryland cases make it very clear that you cannot have such an offense that existed in common law and for which there was a jury trial. There was a Maryland case making it clear that you can say a \$5.00 larceny would be a limited offense. We are talking about petty offenses, some of which existed then, and some of which were created since. Congress has had many, and the State of Maryland has had many in the past.

We are not attempting to say that the legislature cannot attempt a jury trial. We are only saying that in this particular group the Legislature will be free to decide whether or not there should be a right to a jury trial, and it is a very limited class of cases that we are talking about.

The courts have indicated that the outside maximum limit of penalty involved in such a case would be six months, but most of the petty offenses would not carry nearly so grave consequences as that.

THE CHAIRMAN: Delegate Koger.

DELEGATE KOGER: Mr. Chairman, he said there were a number of kinds of offenses, but he did not name them.

THE CHAIRMAN: He named a great many.

DELEGATE KOGER: At least relative to the traffic offense.

THE CHAIRMAN: He said some traffic violations on the Baltimore-Washington Ex-

pressway, and offenses under the oleomargarine laws.

DELEGATE KOGER: I want to ask Delegate Case this question.

Delegate Case, suppose you go before a judge that you know could be somewhat partial and who calls ladies by their first name, and says, "Come up, Helen," or "Joanie," or something. In many instances we have judges who sit on a bench where people would pay a fine in order to get out of going before him because of his discourtesy. Is it possible to ask for another judge? Sometimes we want to get away from the judge we have, because all of them are not the same.

THE CHAIRMAN: The question is hardly relevant to the amendment, but it might save us time to have Delegate Case answer it.

DELEGATE CASE: Delegate Koger, as I understand, we will have later on a provision that deals just with this subject, namely the removal of cases, and at that time I believe you will find the Committee has recommended an absolute right of removal in civil cases, and a qualified right in criminal cases.

THE CHAIRMAN: Are you ready for the question?

Delegate Vecera.

DELEGATE VECERA: Will Delegate Case yield to a question?

THE CHAIRMAN: Delegate Case?

DELEGATE CASE: Yes, sir.

THE CHAIRMAN: State the question.

DELEGATE VECERA: You have written in the amendment "for petty offenses of the type . . .". That for me is still not restricted: "of the type" could be interpreted to open the door to more. Is that not a fact? "Petty offenses" has still not been defined.

DELEGATE CASE: I think the Chairman explained that in the explanation that he made to Delegate Bamberger's recitation of the amendment.

THE CHAIRMAN: Delegate Vecera.

DELEGATE VECERA: In other words, Mr. Chairman, it says "petty offenses of the type . . ."; so that opens the door. It means anything of this type, whoever wants to define the word type.

My first question was who will define "petty offenses"; who will make an in-